

Section	Exhibit	Review Status 8-17-15
BEI	Template	Updated
Exhibit A-1	Vicinity map	Sent for review 6-16
Exhibit A-2	Property map	Sent for review 6-16
Exhibit A-3	Conserved Lands Map	Sent for review 6-16
Exhibit B-1	Service Area Maps	Sent 6-16, Updated per RWQCB Comments
Exhibit B-2	Service Area Description	Sent 6-16, Updated per RWQCB Comments
Exhibit C-1	Development Plan	Updated
Exhibit C-2	Construction Security	Updated
Exhibit C-3	Performance Security	Updated
Exhibit D-1	Interim Management Security	Updated
Exhibit D-2	Endowment Fund Analysis	Updated
Exhibit D-3	Endowment Agreement	Updated
Exhibit D-4	Interim Management Plan	Updated
Exhibit D-5	Long-term Management Plan	Updated
Exhibit D-6	Bank Closure Plan	Updated
Exhibit E-1	Title Report	No Change from Sept. Draft
Exhibit E-2	Property Assessment and Warranty	Updated
Exhibit E-3	Plat Maps	Updated to reflect removal of exclusion area
Exhibit E-4	Conservation Easement	Updated
Exhibit E-5	Title Insurance	No Change from Sept. Draft
Exhibit F-1	Credit Evaluation	Updated
Exhibit F-2	Credit Release Schedule	Updated to address Preservation
Exhibit F-3	Credit Purchase Agreements	No Change from Sept. Draft
Exhibit F-4	Ledger	No Change from Sept. Draft
Exhibit G	Phase I	No Change from Sept. Draft
Exhibit H	Biological Resources	No Change from Sept. Draft
Exhibit I	Delineation	Updated to include Verification
Exhibit J	Cultural Resources	No Change from Sept. Draft
Exhibit K	Other Items	

Project: Petersen Ranch Mitigation Bank					Date: 7/30/2015		
Consultant: WRA					Comment Status Codes		
Project Manager:					Tim DeGraff, Nate Bello		
Review Item:					Draft BEI		
					A - Resolved, will Implement B - Resolution pending C - Unresolved, See Response D - Rolled over to next submittal		
No	Comment Date	Comment By	Exhibit	Page/ Fig. (from Sept. submittal)	Review Comment	Response	Comment Status Code
1	12/17/2014	CDFW	BEI		LD3/LD4: This mechanism still needs IRT approval [regarding casualty insurance]	This comment has been noted.	C
2	12/17/2014	CDFW	BEI		LD1: I think the BEI should include an additional recital describing the 320-acre Southern California Edison mitigation property. The APNs for that acreage should be listed. In addition, a brief explanation of the relationship between the bank property and the SCE site. It should be clear that the SCE acreage will not be counted toward bank credit assignment, but that the management and endowment for the SCE site will be merged with the bank management and endowment and both properties managed as a single unit.	A discussion of the SCE easement has been included in the recitals section of the BEI. Further information regarding the SCE easement and how it relates to the Bank is included in documents that will be included as part of Exhibit K.	A
3		CDFW	BEI		Various insertions and deletions	Accepted all changes in document	A
4	12/17/2014	CDFW	BEI		BEI – Comments in separate file in Track Changes.	The comments from the file mentioned have been addressed, incorporated, or accepted as necessary	A
5	12/17/2014	CDFW	BEI		LD2: This definition only refers to aquatic resources, yet the vast majority of the bank property is preservation of upland habitats and species. This definition should be broadened to include all preserved resources on the bank. [Regarding aquatic resource area or functions].	The text in this section II, "Preservation" has been updated to reflect the issues brought up in this comment.	A
6	12/17/2014	CDFW	BEI		LD5: CDFW Legal has indicated that under State law we do not have the ability to formally transfer permit responsibility	The textual changes, which removed the term "CDFW" from this section of the report, have been accepted to reflect the feedback in this comment.	A
7	12/17/2014	CDFW	Exhibit A-2: Bank Location Maps	Exhibits A-2.1 and A-2.2	Exhibits A-2.1 and A-2.2 have different geographic areas on the bank property divided into five “phases.” However, it is proposed by the Bank Sponsor that “Phase 1” and “Phase 4” both be included in the initial portion of the bank property, or phase, to be dedicated to the bank. This use of the label “phase” for different geographical areas of the bank is confusing and inconsistent with banking terminology, unless, the areas to be brought into the bank are done in sequential order, phase 1 being first and phase 5 being last. That is not what is currently being proposed. Therefore, to make the designations clearer, the five geographic areas on the bank property should be designated A through E, with a table or text description added that states that Areas A and D are going to compromise Phase 1 of the bank.	The labelling system in these figures and the text have been adjusted to reference Areas A through F.	A
8			Exhibit B-1.3	Exhibit B-1.3	Exhibit B-1.3 is labeled “CESA Service Area.” Since this service area only applies to the Swainson’s hawk, this figure should be re-labeled “Swainson’s Hawk Foraging Area.” The use of the term CESA Service Area is much too broad a term to use for a single species. In addition, if the Bank Sponsor wishes to establish and sell mitigation credits for the tricolored blackbird, recently emergency listed by CDFW as endangered, then a separate service area for this species needs to be proposed by the Bank Sponsor and reviewed by CDFW.	These edits have been made to the figure and service area description. Tricolor blackbird credits will not be requested at this time.	A
9	12/17/2014	CDFW	Exhibit B-1: Service Area Maps	Exhibit B-1.5	Exhibit B-1.5 illustrates the proposed Section 1600 service area for the bank. CDFW, which has jurisdiction over 1600 agreements, does not concur with this proposed service area. After internal discussions with CDFW personnel in the region of the bank, the 1600 agreement service area should be modified as follows: 1) Within the Santa Clara River watershed the 1600 service area will include the following HUC 10s – Castaic Creek, Lower Piru Creek, Upper Santa Clara Creek, Bouquet Canyon, Headwaters Santa Clara River, and the portion of Upper Piru Creek below the coniferous forest boundary; 2) the following Antelope Valley HUC 10s will also be included in the bank’s 1600 agreement service area – Amargosa Creek, Sacatara Cree-Kings Canyon, Lake Palmdale-Piute Ponds, Cottonwood Creek-Tylerhorse Canyon, Tropico Hill-Oak Creek, Rosamond Lake, Big Rock Creek-Big Rock Wash, and Little Rock Wash. Within the textual description of the 1600 agreement service area (Exhibit B-2) it should be stated that projects outside of this service area that wish to use the bank will be considered by CDFW on a case-by-case basis.	These edits have been made.	A
10	12/17/2014	CDFW	Exhibit C-1: Development Plan	Page 24. Section 5.0.	The Development Plan should have a section describing avoidance and minimization measures that will be taken by the Bank Sponsor to avoid/minimize impacts to sensitive biological and cultural resource on the Bank property in the course of carrying out the development plan. Things such as avoidance of the breeding season, BMPs, construction monitors, etc. should be included in the plan. The avoidance and minimizations measures that will be required under CEQA, 404 and 401 permits, and Streambed Agreements should be summarized in the plan.	A section on avoidance and minimization measures has been added to the development plan.	A
11	12/17/2014	CDFW	Exhibit C-1: Development Plan	Page 27. Section 5.1.6.	Fire-Related Activities in the Elizabeth Lake Property. Did the Powerhouse Fire expose any significant trash or structures that will need removal from the bank property?	The fire did not expose any significant amounts of trash or other structures. No structures will be removed since what remains is not considered a safety or environmental hazard and would not compromise any of the restoration activities planned at the Elizabeth Lake Bank Property. Please see the Phase 1 report for more information. If trash is encountered, it will be removed once a year, as described in section 5.1 of the LTMP.	A
12	12/17/2014	CDFW	Exhibit C-1: Development Plan	Page 31.	Last paragraph. Please include in the Development Plan baseline groundwater data indicating depth to ground water in different locations where wetland /riparian restoration is proposed, and any data on annual groundwater depth fluctuations that may influence restoration success.	Groundwater data has been provided in Exhibit C-1 Appendix A. This information will address these issues.	A
13	12/17/2014	CDFW	Exhibit C-1: Development Plan	Page 36. Section 6.1.2.	Hydrology Monitoring Methods. CDFW concurs with the establishment of groundwater monitoring wells with data loggers. Please include in the Development Plan data on existing groundwater conditions throughout the bank’s proposed restoration areas. What existing groundwater data is being used to guide the proposed Development Plan?	Groundwater data has been provided Exhibit C-1 Appendix A. This information will address these issues. This information has been referenced in Part 1 - Section 5.2 of the Development Plan.	A
14	12/17/2014	CDFW	Exhibit C-1: Development Plan	Page 37.	Vegetation Monitoring Methods, paragraph 3. While the use of transects to quantify an overall health and survivorship condition of the restoration is good, how will those areas outside of the transects be assessed for dead plants that need replacement?	In addition to assessing coverage along transects, the planting areas wetland will be traversed on foot and areas where dead patches of vegetation, or other indicators of an unsuccessful establishment, are observed will be noted on field maps or using GPS to direct replanting efforts for these areas. The text has been updated to more clearly explain this information.	A
15	12/17/2014	CDFW	Exhibit C-1: Development Plan	Page 23, section 4.11.1.	CEQA Establishment Credits. See previous comment. No credits should be assigned to native grassland establishment until such time as the Bank Sponsor commits to implementing establishment. Any native grassland establishment credits listed in Exhibit F-1 should be removed.	Native grassland establishment has been removed from the development plan. It is no longer planned for the Petersen Ranch Mitigation Bank.	A

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16	12/17/2014	CDFW	Exhibit C-1: Development Plan	Page 20, section 4.6.1.	paragraph 2. Non-wetland Riparian Establishment. This credit category cannot be assigned unless the Bank Sponsor is committing at this time to include an establishment program for this credit type. The Development Plan currently indicates that this decision will be made at some future time as market forces dictate. This approach is not compatible with the banking agreement. If this habitat establishment proposal is not committed to at present it should be removed from the development plan, and any credits assigned to this habitat category in Exhibit F-1 removed. If these types of credits are desired in the future the banking agreement can be amended to include them if they are appropriate.	The previously identified Non-wetland Riparian Establishment Activities referenced in this comment have been removed from the report, crediting, and figures through out the BEI document.	A
17	12/17/2014	CDFW	Exhibit C-1: Development Plan	Page 33. Section 5.2.4.	Non-wetland Riparian Establishment Activities in the Peterson Ranch Bank Property. See comment 4.e. above. Without an up-front commitment from the Bank Sponsor to create these establishment credits, no credits of this type should be assigned and listed in Exhibit F-1.	See response to comment #16	A
18	12/17/2014	CDFW	Exhibit C-1: Development Plan	Appendix A: Hydrogeologic Report & Memo. Figure 3.	Munz Canyon Alluvial Fan Distributions Weir Plan. Is there any way to make the shape of the dam lowering a more undulating naturalistic form, instead of a straight line across the canyon mouth?	In terms of vertical undulation, this would be problematic as the dam/weir is intended to distribute flows and sediment across the canyon/fan surface, requiring an even elevation. Any vertical undulation would concentrate flows and risk incision similar to what is happening under current conditions. The weir is intended to slow flow velocities temporarily, but over time silt will develop around the weir in a pattern consistent with a more natural form. Diverse plantings and some sediment deposition will also obscure the straightness of the dam.	A
19	12/17/2014	CDFW	Exhibit C-1: Development Plan	Page 35. Section 5.2.5.	Cattle Exclusion Activities. Further discussion is needed on what additional wetland preservation areas outside of the central valley may also require cattle exclusion. Significant preserved ponds should also exclude cattle to improve habitat viability and water quality. In addition, if certain sensitive species such as tricolored blackbirds are assigned credit values, cattle should be excluded from their breeding areas.	The cattle exclusion activities section of the development plan has been updated to include a better discussion of cattle grazing on-site. The grazing plan (see the LTMP, Exhibit D-5 Appendix B of the BEI) provides a thorough discussion of cattle grazing within the Bank Properties. Cattle will be excluded from tricolor blackbird breeding habitat.	A
20	12/17/2014	CDFW	Exhibit C-1: Development Plan	Page 27. Section 5.1.45.	Restoration Site 4. Has the infrastructure describe in the last half of this paragraph been assigned mitigation credit value? Gutters, concrete lined channels, and riprap areas should not be assigned mitigation credit values. Please clarify if these infrastructure areas were excluded from credit assignment.	The crediting tables and maps have been updated to exclude these areas from Crediting.	A
21	12/17/2014	CDFW	Exhibit C-1: Development Plan	Page 17. Table 4.	Summary of Potential CESA and CEQA Credits in the Bank Properties. It should be noted in the table that all of the “CEQA Habitats” listed with the term “Restoration” in the title would only have credits released as performance standards are met for the restoration, unlike credits for preservation only. Also, tricolored blackbird should now be included under the CESA heading with Swainson’s hawk, if credits for this species are desired. These credits should also be included in Exhibit F-1.	The Development Plan and relevant sections of the BEI have been updated to differentiate the difference between restoration and preservation credit releases. Tricolor blackbird credits will not be requested at this time.	A
22	12/17/2014	CDFW	Exhibit C-1: Development Plan	Page 1	item 5)b). Credits are currently only proposed to meet certain CESA requirements for the Swainson’s hawk, not State-listed threatened or endangered species in general. Please modify to indicate that Swainson’s hawk is the focused species for this bank. Tricolored blackbird, with the recent emergency protections provided under CESA, may also be included in this section if proper documentation is provided.	The Development Plan has been updated to include this edit to the text. Tricolor blackbird credits will not be requested at this time.	A
23	12/17/2014	CDFW	Exhibit C-1: Development Plan	Figure 7.	Elizabeth Lake Restoration Site 4. Just to reiterate an earlier comment that hard structures that are incorporated into the restoration design are not assigned mitigation habitat credits.	See response to comment #22	A
24	12/17/2014	CDFW	Exhibit C-1: Development Plan	Page 46. Section 6.3.1.2.	Uniform Performance Standards. Paragraph one. Please explain the timing of recovery for Transect 2 and how that plays into its role as a reference site, both for Restoration Site 6 as well as the Munz Canyon Restoration Site. Is Transect 2 expected to be fully recovered by the time that Transect 1 in Munz Canyon and Transect 2 at Peterson Ranch are ready to begin monitoring? Since the Uniform Performance Standards require that the restoration sites are to be compared to a fully developed reference site in terms of percent cover, species diversity, etc. how will his comparison be possible with a reference site that is still recovering from the fire?	The methodology has been updated. Following IRT discussions, pre-fire vegetation data will be used for each reference transect in order to obtain the target cover classes and species assemblages. The statements in the UPS tables have been adjusted to reflect the pre-fire vegetation assemblages based on data collected as part of the baseline biological studies.	A
25	12/17/2014	CDFW	Exhibit C-1: Development Plan	Page 16. Table 3.	Summary of Potential Section 1600 Credits in the Bank Properties. Under “Wetlands – Freshwater Marsh” please explain why the marsh is considered “enhanced” at Elizabeth Lake. Even with the recent fire, this area not likely in need of weed management and should recover on its own. What is the justification for calling this area “enhancement” versus “preservation.” Also, under “Open Water” this area is listed as “enhancement.” Please explain why this area is “enhanced” and not just preservation.	Post-fire management has been occurring at the Elizabeth Lake Bank Property including weed management. This was necessary given the invasion of mustard that occurred post-fire. Enhancement credits were previously negotiated between the sponsorand the IRT for post-fire management activities. Additionally, cattle exclusion fencing will be erected to protect these habitats.	A
26	12/17/2014	CDFW	Exhibit C-1: Development Plan	Appendix C. Peterson Ranch grading Plans, L-1.	It appears that Pond D: Sheet L-3, Wetland: Sheet L-4, and Pond E: Sheet L-4 are all wetland-related restorations proposed to occur within the 320-acre Southern California Edison parcel. It is understood that at least a portion of this restoration is to be credited to SCE for Army Corps mitigation requirements for an SCE project. However, no additional restoration credits are available on the SCE parcel as a part of the Peterson Ranch Mitigation Bank. Please explain the wetland restoration work to be done in the SCE parcel and how that will affect the bank restoration.	The SCE mitigation only required enhancement of wetlands, however, we are proposing to conduct restoration within the ponds in the SCE area using the same rationale as that proposed for other portions of the rift valley. The pond restoration actions in the SCE area will contribute to removing obstructions of flow and returning the entire rift valley to its historic condition thereby restoring the entire wetland complex. Credits are not being requested for the acreage within the SCE easement.	A
27	12/17/2014	CDFW	Exhibit C-1: Development Plan	Page 37. Section 6.1.3.	Photo-documentation. Photo points should also be established at different overview points to document the condition of the upland preservation habitats on the bank over time. This may also be useful for tracking such things as shrub encroachment into the grassland habitats, which could trigger a management action.	The text has been edited to include a sentence about upland photo-point monitoring. The map has been updated to include upland monitoring photo-points.	A

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28	12/17/2014	CDFW	Exhibit C-1: Development Plan	Page 49, Section 7.0.	Adaptive management Plan. Paragraph 1, sentence 3. CDFW as well as the Corps will be involved with credit release issues if Performance Standards are not met for any given year.	The text has been edited to include mention of CDFW in this sentence.	A
29	12/17/2014	CDFW	Exhibit C-1: Development Plan	Figures 4g and 4h.	Re-label these figures to indicate that these are credit maps for Swainson’s hawk foraging habitat.	These figures have been edited to address this comment.	A
30	12/17/2014	CDFW	Exhibit C-1: Development Plan	Page i.	second paragraph. If the Bank Sponsor is proposing to sell credits for tricolored blackbird, western pond turtle, and coast horned lizard, then these credits need to be quantified and justified in the development plan. Currently no credits for these species are proposed in the credit tables (Exhibit F-1) and no service areas for these species are provided.	This paragraph provides background information and details about the resources in the bank, but is not intended to directly describe which resources will be credited. A subsequent sentence specifically differentiating the credits has been included to clarify this issue. Tricolor blackbird, western pond turtle, and coast horned lizard credits will not be requested at this time.	A
31	12/17/2014	CDFW	Exhibit C-1: Development Plan	Figures 7a and 7b.	Please explain what is meant by “Performance Based Wetlands.”	<p>This was explained in Section 4.0 of the development plan:</p> <p>“Following Corps verification of the delineation and feedback on the Prospectus, some wetlands were determined to be low-quality while others did not fully meet wetland criteria due to drought conditions and the recent fire. These features were grouped into two classifications by the Corps: low-quality wetlands and performance-based wetlands. It was determined that although the low-quality wetlands may be creditable by the state as preserved wetlands, low-quality wetlands would not be creditable for wetland preservation or enhancement by the Corps. Wetland Credits for these low-quality wetlands would only be permitted by the Corps if restoration actions were conducted in the low-quality wetlands. Due to the negligible size of these wetlands, Mitigation Activities have not been planned for these low-quality areas. Wetland preservation Credits previously requested for these low-quality wetlands have been omitted from the Corps Crediting Plan and re-labelled as riparian buffer credits for the Corps Crediting Plan (Exhibit F of the BEI).</p> <p>Wetlands that were classified as performance-based wetlands by the Corps were predominantly located in fire affected areas within the Elizabeth Lake Bank Property. For the performance-based wetland habitats, the Bank will only be able to sell Credits when these features are determined to exhibit at least two wetland indicators; hydric soils, wetland hydrology or hydrophytic vegetation in accordance with the Arid West Regional Supplement (Corps 2008).”</p>	A
32	12/17/2014	CDFW	Exhibit C-1: Development Plan	Page 38, Section 6.2.1.2.	Uniform Performance Standards. 4th paragraph. “Following post-fire revegetation, Transect 2 is expected...” Is the revegetation described passive or active revegetation?	Transect 2, discussed in this section, is above the Munz Canyon restoration site. Although areas downstream of the restored/removed impoundment will be actively seeded, areas above, which include Transect 2, will only require passive revegetation and weed management since it already contains healthy populations of resprouting shrubs. This clarification was made in the text.	A
33	12/17/2014	CDFW	Exhibit C-2: Construction Security Analysis and Schedule	Exhibit C-2.	5. Construction Security Analysis and Schedule Construction security normally requires at least a 15 percent contingency amount within the estimate. Please clarify if a contingency amount is included in the estimated construction cost for each appropriate phase.	These have been updated to include a 15 percent contingency per phase.	A
34	12/17/2014	CDFW	Exhibit D-1: Interim Management Security Analysis and Schedule	Exhibit D-1.	6. Interim Management Security Analysis and Schedule. The costs for maintenance and monitoring of restoration areas to meet performance standards during the interim management period should not be included in the Interim Management Security calculation. Security to assure the successful completion of the Development Plan is the Performance Security. So, remove the “IMP” Management Plan Task from the top of Table 1, and re-calculate the Interim Management costs.  Also, please clarify funding for Conservation Easement monitoring during the Interim Management Period.	Restoration maintenance costs have been removed from the interim management security analysis since these costs are included within the performance security.	A
35	12/17/2014	CDFW	Exhibit D-2: Endowment Fund Analysis and Schedule	Tables 2 and 3.	Please explain how funding for Conservation Easement monitoring and compliance will be accomplished during the Interim Management Period, since the Long-term Management Endowment will not be available for CE monitoring use for a number of years.	The two endowments from the draft submittal have been merged into one endowment to address this issue.	A

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36	12/17/2014	CDFW	Exhibit D-2: Endowment Fund Analysis and Schedule		There needs to be a discussion in this section regarding how the Southern California Edison long-term management endowment will be integrated into the bank’s long-term endowment fund. It is unclear whether the dollar amount for managing Phase 1 includes the SCE endowment or is in addition to it. Please clarify and elaborate.	Clarification has been added to this document. The Phase 1 endowment includes management of SCE area and the SCE endowment funds will be merged with the total Phase 1 endowment.	A
37	12/17/2014	CDFW	Exhibit D-2: Endowment Fund Analysis and Schedule	Page 4. Table 4.	Title of table should be “Credit Release and Endowment Funding Schedule for Each Bank Phase.”	This change has been made	A
38	12/17/2014	CDFW	Exhibit D-2: Endowment Fund Analysis and Schedule		7a. Please provide documentation on the Southwest Resource Management Association’s history and success in managing non-wasting endowments, and its history of investment returns.	This information has been provided to the IRT.	A
39	12/17/2014	CDFW	Exhibit D-4: Interim Management Plan	Page 2. Section 4.1.	8. Exhibit D-4. Interim Management Plan. Restoration Maintenance. The Restoration Maintenance section would be more appropriately placed in the Development Plan because that is where meeting performance standards is discussed, and the items under Restoration Maintenance are directed at meeting those standards. This relates to the comment above discussing the Restoration Maintenance activities being covered by the Performance Security. Sections 4.2 through 4.4 should be the focus of the Interim Management Period, with those items also being the focus of the Interim Management Security Analysis.	This change has been made.	A
40	12/17/2014	CDFW	Exhibit D-5: LTMP	Page 23. Section 6.0.	9k. Reporting and Administration. An additional task should be added to this section. There should be an every five year review of the management plan documentation to update any changes in the bank conditions, or any changes to the plan approved by the IRT. An allocation of money should be included in the Endowment Fund Analysis to cover the cost of this effort.	A task regarding the five year review of the management plan has been added to Section 6.0.	A
41	12/17/2014	CDFW	Exhibit D-5: LTMP	Page 18. Section 4.0	9e.Management and Monitoring This LTMP section needs to include a discussion on cultural resources, with a commitment to avoid disturbing known cultural sites of significance, as described in the Cultural Resources Report (Exhibit J). Recommendations in the Cultural Resources Report should be summarized in the LTMP, with a commitment to implement them where appropriate.	A commitment to avoidance of known cultural sites of significance and pre-historic artifacts has been included in the LTMP.	A
42	12/17/2014	CDFW	Exhibit D-5: LTMP	Page 21. Section 4.5.	Vegetation Management. Where will cattle water tanks be placed and how will water be delivered? Areas in uplands immediately surrounding water sources are likely to be heavily impacted by cattle, so any upland habitats areas impacted by water tank placement, including a surrounding buffer, should be removed from the bank credit table. Please clarify how tank placement and cattle use will impact upland areas. Tanks should be placed in already disturbed areas if possible.	Cattle rotation, appropriate stocking rates, and management of water sources will be used to limit impacts to upland and aquatic habitats. These minimization measures are discussed in detail in the Grazing Plan (Appendix B of the LTMP) and are expected to manage cattle in such a way that they cause little to no effect on the creditable resources in the Bank Properties. Additionally, areas surrounding watering locations will still function as annual grassland and will provide foraging habitat for Swainson's hawk and tricolor blackbird. The watering troughs themselves are negligible in size. Therefore, the impacts are not expected to reduce the creditability of the resources surrounding the watering areas.	A
43	12/17/2014	CDFW	Exhibit D-5: LTMP	Page 4. Section 2.1.6	first paragraph, last two sentences. What is the status of discussion with the U.S. Forest Service regarding realigning the road easement? Will the alluvial fan restoration in Munz Canyon be delayed if there is no agreement in the near future? Also, is the State of California also willing to move the trails easement to the new road alignment?	Discussions are still underway. This will not delay nor influence the Munz Canyon Restoration Activities since there is currently no road in the easement, nor any plans for a road in the future. The proposed USFS easement alignment overlaps the existing State of CA. easement. Both the current and proposed easement are excluded from crediting.	A
44	12/17/2014	CDFW	Exhibit D-5: LTMP	Page 21. Task 4.4.1.	Is there sufficient road access throughout the bank property that road surveys alone will allow for detection of noxious weed infestations? Will certain areas need to be checked on foot to assure for an adequate survey?	The majority of weed infestations are located in disturbed areas surrounding roads or in the man-made ponds currently on the property. These are easily accessible by road or by a short walk from the road. These surveys will be a combination of drive-through and on-foot surveys, but will be much less extensive than other monitoring efforts. If weeds are encountered as part of other monitoring efforts, they will be mapped as-encountered. Certain areas will be checked on foot. However, due to the size of the property, it is not feasible to traverse the entire property on foot every year. Therefore, target areas and known infestations will be surveyed and additional populations encountered during other surveys will be noted.	A
45	12/17/2014	CDFW	Exhibit D-5: LTMP	Page 1.	first paragraph, third sentence. The Los Angeles Regional Board will not be a BEI signatory agency.	This change has been made	A

No	Comment Date	Comment By	Exhibit	Page/ Fig. (from Sept. submittal)	Review Comment	Response	Comment Status Code
46	12/17/2014	CDFW	Exhibit D-5: LTMP	Page 23-24. Section 7.1.	<p>Permitted Uses, four bullet points. The descriptions of the permitted uses listed here should be modified to conform to the versions of these uses agreed upon for the Conservation Easement for the Sothern California Edison mitigation property. In that CE, under Covenants, Terms, Conditions and Restrictions – Section 6 (Reserved Rights) (a) – (d) the wording is as follows:</p> <p>(a) “While the primary purpose of the Phase I-A Property is to provide habitat for Swainson’s Hawk, hunting shall be allowed on the Phase I-A Property in accordance with the following restrictions: (i) hunting activities shall not adversely affect the Conservation Values; (ii) no hunting activities shall take place from March 1 through July 15 of any year, and this closure period may be extended in writing by either Grantee, in consultation with CDFW, or CDFW to accommodate early or late Swainson’s Hawk presence in any given year; (iii) no hunting activities shall take place in the cattle exclusion zone along the rift valley; (iv) hunting activities are restricted to the Grantor, its employees, and their families and guests; (v) recreational or target shooting not directly associated with the lawful take of game is strictly prohibited; and (vi) commercial hunting shall be allowed on an annual basis with the prior, written approval of CDFW and subject to any terms and conditions set forth in that written approval.</p> <p>(b) Grantor may continue to engage in non-motorized recreational activities on the Phase I-A Property in the same manner as Grantor currently utilizes the Phase I-A Property. These uses include, by way of example and not limitation, hiking, horseback riding, and hunting (subject to the restrictions described above). No motorized recreational activities (e.g., recreational off-highway vehicle activities) are permitted on the Phase I-A Property.</p> <p>(c) Grantor may operate motorized vehicles on existing trails, paths, and roadways, as expressly depicted and described in the CMP.</p> <p>(d) The infrastructure currently existing on the Phase I-A Property includes storage tanks, ponds and a pipeline (largely located within existing roadways) for water extraction, storage and delivery; livestock structures; agricultural equipment; and safety equipment (fire and general). Infrastructure that currently exists on the Phase I-A Property may continue to be used, replaced and maintained by Grantor; provided, however, that the use, replacement, and maintenance of all existing infrastructure is undertaken in a manner that will not adversely impact or impair the Conservation Values. Grantor may collocate a second pipeline for water recharge with the existing pipeline but Grantor may not expand the use of such infrastructure (including existing ponds) or change the nature of such infrastructure if such expansion or change would adversely impact or impair the Conservation Values without prior written approval from CDFW, which approval shall not be unreasonably withheld. Grantor may continue to use the Phase I-A Property for outdoor education events, educational tours, and school-related events.”</p>	This has been included in the LTMP. Wording has been revised to describe how these reserved rights apply to the entire Bank, not just phase 1a.	A
47	12/17/2014	CDFW	Exhibit D-5: LTMP	Page 20. Section 4.3	<p>Covered Species Monitoring. Swainson’s hawk monitoring for the bank property should be consistent with the Swainson’s hawk monitoring protocols established for the Southern California Edison 320-acre mitigation parcel. Tasks 4.3.1 and 4.3.2 are consistent with the SCE protocols. The following paragraphs, taken from the SCE Management Plan, should be added to the LTMP in this section to further define survey protocols:</p> <p>“Multiple angles will be utilized to help increase the observer’s chance of detecting a nest or hawk (pair), especially after trees are fully leafed-out and when surveying multiple trees in close proximity to each other. When surveying from an access road, surveys will be conducted in both directions, usually maintaining a distance of 50 to 200 meters from subject trees. This is usually optimal for observing perched and flying hawks without reducing the chance of detecting a nest or young. Once a nest is found, closer inspection may be, and usually is, necessary.</p> <p>Surveys will focus on both visual observations and vocalizations. Observations of nests, perched adults, displaying adults, and chicks during the nesting season are all indicators of nesting hawks. In addition, vocalizations of birds are extremely helpful in locating nesting territories. Vocal communication between hawks is frequent (1) during territorial displays, (2) during courtship and mating, (3) through the nesting period as mates notify each other that food is available or that a threat exists, and (4) as older chicks and fledglings beg for food.</p> <p>Information collected will include all observed nest sites, including date and time of observation, location name, UTM coordinates, number of young, and any behavioral observations. The occurrence of nesting great horned owls, red-tailed hawks, red-shouldered hawks, and other potentially competitive species will also be documented. These species will infrequently nest within 100 meters of each other, so the presence of one species will not necessarily exclude another, but should be noted in the survey report.”</p>	This information on monitoring protocol has been inserted into the LTMP in section 4.3 as part of task 4.3.2.	A
48	12/17/2014	CDFW	Exhibit D-5: LTMP	Page 2. Section 1.3,	last sentence. The reference in this paragraph to possible IRT-approved alterations to the bank’s hydrology, topography, or possible future grading is inconsistent with the restrictions in the Conservation Easement. Even if the IRT approved land alterations the CE wouldn’t allow it. This wording should be changed or removed.	This sentence has been removed	A
49	12/17/2014	CDFW	Exhibit D-5: LTMP	Page 20. Task 4.2.2.	Photo reference points should be established for monitoring terrestrial habitats. Appropriate overview sites should be selected to provide good views of expanses of upland habitats. This will provide another mechanism, at a broad scale, to monitor changes in upland habitats, including shrub encroachment into grasslands.	This task has been added as task 4.2.3. Figures have been updated accordingly.	A
50	12/17/2014	CDFW	Exhibit D-5: LTMP	Page 1	second paragraph, second sentence. Include tricolored blackbird as a “covered” species if you want to sell credits for this species.	Tricolor blackbird credits will not be requested at this time.	A
51	12/17/2014	CDFW	Exhibit D-5: LTMP	Page 20. Task 4.3.3.	The LTMP should include a provision to conduct an annual breeding pair count for the tricolored blackbird, especially if blackbird credits are established by the bank.	Tricolor blackbird credits will not be requested at this time. Therefore, annual breeding pair counts for this species will not be conducted. The breeding habitat for this species will still be monitored for habitat quality as described in the LTMP and IMP.	A
52	12/17/2014	CDFW	Exhibit D-6: Bank Closure Plan	Page 1.	Under the section heading “The Bank shall be deemed closed upon the date that;”, a fourth item should be added – “CDFW Implementation Fees have been paid in full.”	This clause has been added to the Bank Closure Plan	A
53	12/17/2014	CDFW	Exhibit D-6: Bank Closure Plan	page 2.	Under the section heading “The responsibility of the Bank Sponsor is to:” a fifth item should be added – “Pay all CDFW Implementation Fees.”	This clause has been added to the Bank Closure Plan	A
54	12/17/2014	CDFW	Exhibit E-2: Property Assessment and Warranty	Attachment 3.	11. Exhibit E-2. Property Assessment and Warranty, All monetary liens listed in Attachment 3 either need to be cleared before the banking agreement is finalized or subordination agreements must be provided showing that the lien holders subordinate their interests to the conservation easement(s) on the bank. Also, please give an update on discussions with the County of Los Angeles on the removal of a number of old County easements listed in Attachment 3.	All liens will be subordinated or removed for Phase 1 of the bank, and the update is reflected in the PAW (Exhibit E-2). Liens will be removed or subordinated or removed for subsequent phases of the bank as needed. The removal of old County easments is addressed in the PAW (Exhibit E-2).	D